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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,940	03/28/2001	Leana Golubchik	T2315-907180	9623

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EXAMINER

DAVIS, ZACHARY A

ART UNIT PAPER NUMBER

2137

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/818,940

**Applicant(s)**

GOLUBCHIK ET AL.

**Examiner**

Zachary A. Davis

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/29/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. An amendment was received on 03 March 2005. Claims 4, 5, 7, 9, 11, 14, 15, 19, 25, 28, and 31 have been amended. No claims have been added or canceled. Claims 1-32 are currently pending in the present application.

### ***Response to Arguments***

2. Applicant's arguments filed 03 March 2005 have been fully considered but they are not persuasive.

In reference to the rejection of Claims 1-32 under 35 U.S.C. 102(e) as being anticipated by Faris et al, US Patent 6659861, and specifically in reference to the independent Claims, Applicant argues that Faris does not disclose claimed limitations. In reference to Claims 1 and 13, Applicant argues that the Global Synchronization Unit (GSU) of Faris does not correspond to the authenticator as recited in the claims.

Applicant states that Faris discloses that the GSU is connected to the client, whereas Claims 1 and 13 allegedly recite that the authenticator is a component of the destination server. However, the Examiner notes that the claims do not recite such a limitation, and the Examiner further believes that Faris does indeed disclose the limitations of Claims 1 and 13 of the authenticator receiving from a client, time-stamping, signing, and returning to the client a unique identifier (see Faris, column 36, lines 54-58).

Specifically in reference to Claim 23, Applicant argues that there is nothing in Faris that discloses or suggests that each client sends data intended for the destination server to a proxy server, and that Faris discloses that a separate message is sent from the proxy server to the destination server. However, the Examiner believes that Faris discloses that the separate message is a compilation of sets of data from multiple client machines (see column 38, lines 39-52, where the sorted responses are encrypted and then sent from the game server, corresponding to the proxy server, to the primary server, corresponding to the destination server). Further, in response to Applicant's statement that "there is no disclosure or suggestion in Faris that prevents upload overloads" (at the top of page 21 of the present response), the Examiner directs Applicant's attention to column 21, lines 21-45, where techniques are described to decrease the load on the primary server.

Specifically in reference to Claim 29, Applicant argues that "Faris discloses that the GSU is connected to or embedded with the client device" (page 21 of the present response, third paragraph), and Applicant further asserts that the present invention includes an authenticator portion of the common destination server. However, the Examiner notes that the claim merely includes the limitation "at least one authenticator trusted by the common destination server" and does not recite that the authenticator is part of the destination server. Applicant further attempts to draw a distinction between Faris and the claimed invention by suggesting that Faris does not disclose an authenticator receiving a message from a client, time-stamping and signing the message, and sending the signed message back to the client. However, as Applicant

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states, the GSU can be connected to the client device, and therefore, the GSU is capable of sending and receiving messages to and from the client. Additionally, the Examiner believes that Faris does disclose that the authenticator performs the required functions, as detailed above in reference to Claims 1 and 13 (see also Faris, column 36, lines 54-58).

Therefore, for the reasons detailed above, the Examiner maintains the rejection as set forth below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Faris et al, US Patent 6659861.

In reference to Claims 1 and 2, Faris discloses a method that includes generating, using a one-way hash function, a unique identifier corresponding to data that a client intends to send to a common destination server (column 24, lines 4-12); transmitting the identifier to an authenticator (column 36, lines 54-55); time-stamping the

identifier; and digitally signing the time-stamped identifier (column 36, lines 55-58).

Faris further discloses each client sending data toward the destination server (column 37, lines 4-10) and using the identifier to confirm that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claim 3, Faris further discloses sending data to an upload proxy server (Figure 2, Game Servers 150; column 36, lines 59-61).

In reference to Claims 4 and 5, Faris further discloses the proxy servers sending a message to the destination server indicating that data is being held for the destination server and the destination server pulling the data held (column 36, line 62-column 37, line 10).

In reference to Claims 6, 8, and 10, Faris further discloses establishing an authenticator for anticipated large amounts of data and supplying criteria for receiving data to the authenticator, including an encryption level (column 30, lines 15-52).

In reference to Claims 7 and 9, Faris further discloses an event identifier (column 31, lines 6-27).

In reference to Claim 11, Faris further discloses each proxy server acknowledging receipt of data (column 36, lines 62-65).

In reference to Claim 12, Faris further discloses a message designating a proxy server for use by the client (column 30, lines 33-38).

In reference to Claim 13 and 14, Faris discloses a method that includes generating, using a one-way hash function, a unique identifier corresponding to data

that a client intends to send to a common destination server (column 24, lines 4-12); transmitting the identifier to an authenticator (column 36, lines 54-55); and digitally signing the identifier (column 36, lines 55-58). Faris further discloses each client forwarding data to the destination server through a proxy server (column 37, lines 4-10) and using the identifier to confirm that the data has not been altered since the identifier was generated (column 39, lines 11-19).

In reference to Claims 15 and 16, Faris further discloses the proxy servers sending a message to the destination server indicating that data is being held for the destination server and the destination server pulling the data held (column 36, line 62-column 37, line 10).

In reference to Claims 17 and 21, Faris further discloses time-stamping the identifier (column 36, lines 55-58) and confirming that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claims 18, 20, and 22, Faris further discloses establishing an authenticator for anticipated large amounts of data and supplying criteria for receiving data to the authenticator, including an encryption level (column 30, lines 15-52).

In reference to Claims 19 and 21, Faris further discloses an event identifier (column 31, lines 6-27).

In reference to Claim 23, Faris discloses a method including providing a common destination server (Figure 2, Primary Server 100) and a plurality of upload proxy servers (Figure 2, Game Servers 150); each client sending data intended for the destination

server to one of the proxy servers (column 37, lines 4-10); sending a message smaller than the data of the client to the destination server; and pulling the data held at the proxy server to the destination server (column 36, line 54-column 37, line 10).

In reference to Claims 24 and 26, Faris further discloses establishing an authenticator for anticipated large amounts of data and supplying criteria for receiving data to the authenticator, including an encryption level (column 30, lines 15-52).

In reference to Claim 25, Faris further discloses an event identifier (column 31, lines 6-27).

In reference to Claim 27, Faris further discloses generating a unique identifier corresponding to data that a client intends to send to a common destination server (column 24, lines 4-12), transmitting the identifier to an authenticator (column 36, lines 54-55), and digitally signing the identifier (column 36, lines 55-58). Faris also discloses using the identifier to confirm that the data has not been altered since the identifier was generated (column 39, lines 11-19).

In reference to Claim 28, Faris further discloses time-stamping the identifier (column 36, lines 55-58) and confirming that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claim 29, Faris discloses a system including a common destination server (Figure 2, Primary Server 100), an id generator to generate a unique identifier (column 24, lines 4-12), a sender in each client for transmitting the unique identifier (column 36, lines 54-55), and an authenticator for time-stamping and digitally



signing the unique identifier (column 36, lines 55-58). Faris further discloses that the server uses the identifier to confirm that the data has not been altered since being time-stamped (column 39, lines 11-19).

In reference to Claims 30 and 31, Faris further discloses sending data toward the destination server through a proxy server and the destination server pulls the data from the proxy server (column 36, line 62-column 37, line 10).

In reference to Claim 32, Faris further discloses that the id generator takes a one-way hash (column 24, lines 4-12).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

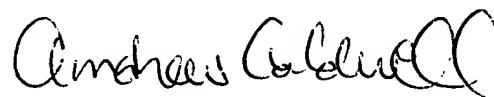
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZAD  
zad



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